IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10346 of 2004

Between:

S.Uma Devi W/o Late N.Srinivas Reddy
O/o. Registration and Stamps, Hyderabad

..... PETITIONER

AND

1 The Commissioner & Inspector General of Registration and Stamps, Andhra Pradesh Hyderabad Range, Hyderabad
2 Deputy Inspector General of Registration and Stamps , Hyderabad Range, Hyderabad
3 The Govt. of Andhra Pradesh, Revenue Department (R&S), Secretariat, Hyderabad rep. By its Principal Secretary.
4 Sri Deva Darshan Kumar
O/o Deputy Inspector General of Registration and stamps Hyderabad Range, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of CERTIORARI calling for records pertaining to Proc.No.E/1555/98-1 & E/1555/98-2, dt. 17/07/2003 of the 2nd respondent as confirmed by the Judgment in OA.No.4784/2004 dt. 7/05/2004, on the file of AP. Administrative Tribunal , Hyderabad and quash the same as illegal, arbitrary and contrary to the Proceedings of the 2nd respondent in No.E/1555/98, dt. 4/07/2003 and consequently to retain the petitioner as Senior Assistant, after Declaring that the 4th respondent is only eligible to be considered only for the future vacancy that arose after 4/07/2003 only, in the Interest of Justice

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY, Advocate
Counsel for the Respondent Nos.1 to 3: The G.P. for Services – II
Counsel for the Respondent No.4: MR.N.RAGHAVAN, Advocate

The Court made the following ORDER:

ORDER (per G.R.J):

Against the orders of the A.P. Administrative Tribunal, dismissing the O.A.No.4784 of 2003 by the Judgment dated 07.05.2004, the writ petition is filed.

2. The O.A. was filed against the orders dated 17.07.2003 reverting the applicant from her temporary promotion as Senior Assistant for regularly promoting the fourth respondent herein as Senior Assistant in the Office of the Deputy Inspector General (R&S), Hyderabad.

3 . The petitioner was appointed as a Junior Assistant in the year 1992 on compassionate grounds as the dependent of the deceased employee. In the year 2002 she was temporarily promoted as Senior Assistant subject to a pending decision on the promotion of the fourth respondent. As the fourth respondent had crossed the age of 45 and did not pass the requisite Departmental Test, he was granted exemption from passing the Departmental test w.e.f 04.07.2003. As the fourth respondent was admittedly senior to the petitioner and was now eligible for promotion, in view of the orders exempting him from the requirement of passing the departmental test and further as the petitioner's promotion as Senior Assistant was a temporary promotion subject to a decision on the fourth respondent's promotional expectations, the order impugned in the O.A. was passed reverting the petitioner and promoting the fourth respondent. More over, the petitioner has not chosen to challenge the proceedings exempting the fourth respondent from the requirement of passing the departmental test.

4 . The learned Tribunal rightly concluded that the equities between the petitioner and the fourth respondent had been harmoniously adjusted. Since the petitioner was initially appointed on compassionate basis, a similar administrative consideration was also shown to the fourth respondent in exempting him from passing the departmental test for enabling his promotion. The conclusions of the learned

Administrative Tribunal which led to the disposal of the O.A. are impeccable and do not warrant any interference. There are no merits in the writ petition.

5. The writ petition is accordingly dismissed. No costs.

J. Chelameswar,J

G. Raghuram, J

Date: 22.07.2004

va/lsk

To

1 The Commissioner & Inspector General of Registration and Stamps, Andhra Pradesh Hyderabad Range, Hyderabad
2 Deputy Inspector General of Registration and Stamps , Hyderabad Range, Hyderabad
3 The Principal Secretary, Revenue Department (R&S), Secretariat, Hyderabad.
4 The Registrar, A.P. Administrative Tribunal, Hyderabad

5 Two CCs to G.P. for Services – II, High Court of A.P., Hyderabad(OUT)

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